

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi

United States of America)

v.)

ANDRES DIEGO-SANTIZO)

Case No.)

3:17 mj 527-FKB)

Defendant(s)

Filed
MAR -1 2017
U.S. Magistrate Judge

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of February 22, 2017 in the county of Madison in the
Southern District of Mississippi, the defendant(s) violated:

Code Section

8 U.S.C. 1326(a)(1) and (2)

Offense Description

Andres Diego-Santizo being a citizen and national of Guatemala was found unlawfully present in the United States on February 22, 2017, after having been previously arrested and ordered removed on March 12, 2013, and subsequently deported on or about April 1, 2013, at or near Hidalgo, Texas. Diego-Santizo had not received the express consent of the Attorney General or the Secretary of Homeland Security of the United States for reentry.

This criminal complaint is based on these facts:

See Attached Affidavit of SA Stephen E. Cole attached hereto and incorporated herein by reference.

☒ Continued on the attached sheet.


Complainant's signature

SA Stephen E. Cole, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/01/2017City and state: Jackson, Mississippi



Judge's signature

Hon. F. Keith Ball, U. S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Stephen E. Cole, being duly sworn, hereby depose and state that:

I am employed as a Special Agent with Immigration and Customs Enforcement (ICE) (Previously the United States Customs Service), Homeland Security Investigations, United States Department of Homeland Security, Jackson, Mississippi, and have been so employed since April 1987. I am currently assigned to the financial investigations and the work site enforcement programs. I have received training and been assigned to conduct investigations of criminal violations of the United States Code as enumerated in Titles 8, 18, 19, 21, 22, 31 and various other federal statutes.

I am currently assigned to HSI Office of Investigations, Resident Agent in Charge, Jackson, Mississippi (RAC Jackson). I am statutorily empowered to investigate violations of criminal law relating to unlawful entry, employment, and physical presence in the United States, specifically the Immigration and Nationality Act and Title 8 of the Code of Federal Regulations.

I am further authorized to conduct investigations and inquiries with the purpose of determining alienage and removability as it relates to the Immigration and Nationality Act and related statutes and persons unlawfully in the United States. The information contained in this affidavit is from my own knowledge of an ongoing investigation and from information provided by other agents and employees of ICE.

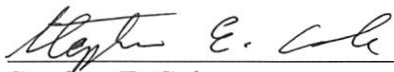
On February 22, 2017, Andres DIEGO-Santizo was arrested by HSI when found working without Department of Homeland Security or Attorney General Authorization at Red Samurai Sushi Inc. in Madison, Mississippi. At that time, DIEGO-Santizo was processed for removal proceedings. During processing, DIEGO-Santiago was determined to have been previously removed from the United States on April 1, 2013.

At the time of his April 1, 2013 removal, DIEGO-Santizo was advised that he was barred from readmission for a period of five (5) years following the date of his departure from the United States.

DIEGO-Santizo was encountered by the U.S. Border Patrol on March 10, 2013 near Mission, Texas. Information relative to this apprehension is maintained under Alien Registration File number A205880344. At that time, DIEGO-Santizo freely admitted to being a citizen of Guatemala and unlawfully entering the U.S. As a result, DIEGO-Santizo was issued an expedited order of removal on March 12, 2013, and was removed from the U.S. on April 1, 2013 from the Hidalgo, Texas airport. At the time of his April 1, 2013 removal, DIEGO-Santizo was advised that he was barred from readmission for a period of five (5) years following the date of his departure from the United States.

Your affiant knows of no application or authorization on behalf of DIEGO-Santizo which would grant permission or authorization to re-enter or remain in the United States. DHS database inquiries reveal no documented admission or inspection of DIEGO-Santizo at an authorized Port of Entry.

DIEGO-Santizo is amenable to criminal proceedings for violation of Title 8 USC § 1326(a) in that he is a previously removed alien who re-entered the United States illegally without permission from the United States Attorney General.



Stephen E. Cole
Special Agent
Homeland Security Investigations

SWORN TO AND SUBSCRIBED before me on this, the 1st day of March 2017.



F. Keith Ball
United States Magistrate Judge
Southern District of Mississippi